

REMARKS

Claims remaining in the present patent application are numbered 1-24. The rejections and comments of the Examiner set forth in the Office Action dated December 24, 2003 have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow the remaining claims.

§112 Rejection

The present Office Action rejected Claims 17, 22, and 24 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has amended Claims 17, 22 and 24 to properly refer to their respective independent claims. Specifically, amended Claim 17 refers properly to independent Claim 11. Also, amended Claims 22 and 24 refer properly to independent Claim 18. Applicants respectfully request further examination of Claims 17, 22 and 24.

35 U.S.C. §102 Rejection

The present Office Action rejected Claims 1-4, 8, 9, 11-14, and 18-21 under 35 U.S.C. 102(e) as being anticipated by Elms et al. (U.S. Patent Application Publication No. 2002/0072992 A1). Applicants have reviewed the above cited references and respectfully submit that the present invention

as recited in Claims 1-24, is neither anticipated nor rendered obvious by the Elms et al. reference.

Independent Claims 1, 11 and 18

Applicants respectfully point out that independent Claims 1 and 18 each recite that the present invention includes, in part:

[A] method for conducting a transaction in a business-to-business (B2B) exchange, comprising the steps of:

locating a first party and a second party;
establishing a collaboration session directly between the first party and the second party;
transacting a business deal between the first party and the second party, wherein the steps of locating, conducting, and transacting are performed in an integrated software communication platform within the B2B exchange. (Emphasis Added)

In addition, independent Claim 11 recites, in part:

An apparatus for conducting a transaction in a business-to-business (B2B) exchange, comprising:
means for locating a first party and a second party;

means for establishing a collaboration session directly between the first party and the second party; and

means for transacting a business deal between the first party and the second party, wherein the steps of locating, conducting, and transacting are performed in an integrated software communication platform within the B2B exchange. (Emphasis Added)

The present invention pertains to a method and apparatus for providing a locate, collaborate, and transact (LCT)

communications platform for a business-to-business (B2B) exchange service center. In particular, independent Claims 1, 11, and 18 each recite establishing a direct communication between located parties. That is, independent Claims 1 and 18 each recite the step of establishing a collaboration session directly between a first party and a second party that have been located, such as in an LCT communications platform. Also, independent Claim 11 recites a means for establishing a collaboration session directly between the first party and the second party that have been located.

Applicants respectfully note that the prior art reference, Elms et al., does not comprise nor suggest the present method and apparatus that enables conducting transactions in a B2B exchange including establishing a direct communication between a first party and a second party that have been located, as recited in independent Claims 1, 11, and 18.

In contrast to independent Claims 1, 11, and 18 of the present invention, the Elms et al. reference, discloses a computer-implemented method for enabling a host to facilitate a transaction between a first and second party. In particular, every operation or communication between the first party and the second party goes through the host. As such, in the Elms et al. reference, a direct communication is not established between the first party and the second party,

as is described in embodiments of the present invention recited in independent Claims 1, 11, and 18.

That is, the host in the Elms et al. reference is typically a third party that is a middleman conceptually positioned between the first and second parties. In the flow charts of Figure 2, the Elms et al. reference discloses a communication between a first party and a second party through a host server. In particular, the first party communicates with the host server, and the second party communicates with the host server. (See Elms et al., paras. 0030 to 0069)

The present invention, on the other hand, claims a method and apparatus for conducting transaction in a B2B exchange that establishes a communication session directly between a first party and a second party. That is, after the first party and the second party are located, direct communication between the first party and the second party is established, without a host sever interface, as recited in independent Claims 1, 11, and 18.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claim 1 is not anticipated by the Elms et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 2-10 which depend from

independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim.

Similarly, Applicants respectfully submit that the present invention as disclosed in independent Claim 11 is not anticipated by the Elms et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 12-17 which depend from independent Claim 11 are also in a condition for allowance as being dependent on an allowable base claim.

In addition, Applicants respectfully submit that the present invention as disclosed in independent Claim 18 is not anticipated by the Elms et al. reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 19-24 which depend from independent Claim 18 are also in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103 Rejection

The present Office Action rejected Claims 7, 10, 17, and 24 under 35 U.S.C. 103(a) as being unpatentable over Elms et al. Also, Claims 5, 6, 15, 16, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al. in view of Walker et al. (U.S. Patent Application Publication 2002/0169626). Applicants have reviewed the above cited

references and respectfully submit that the present invention as recited in Claims 5-7, 10, 15-17, and 22-24 is neither anticipated nor rendered obvious by the Elms et al. reference taken alone or in combination with the Walker et al. reference.

Claims 5-7 and 10 depend from independent Claim 1, which for analogous reasons stated above in relation to the 35 U.S.C. 102(e) arguments are now allowable. Also, Claims 15-17 depend from independent Claim 11, which for analogous reasons stated above in relation to the 35 U.S.C. 102(e) arguments are now allowable. Further, Claims 22-24 depend from independent Claim 18, which for analogous reasons stated above in relation to the 35 U.S.C. 102(e) arguments are now allowable. In particular, the prior art references cited against Claims 5-7, 10, 15-17, and 22-24 taken alone, or in combination, do not disclose nor suggest the method and apparatus for conducting transaction in a B2B exchange that establishes a communication session directly between a first party and a second party, as is recited in independent Claims 1, 11, and 18 of the present invention.

Thus, Applicants respectfully submit that the present invention as disclosed in dependent Claims 5-7, 10, 15-17, and 22-24 are not anticipated by the Elms et al. reference, taken alone or in combination with the Walker et al. reference since they depend on allowable base Claims 1, 11,

and 18, as previously discussed. As such, dependent Claims 5-7, 10, 15-17, and 22-24 are in a condition for allowance as being dependent on allowable base Claims 1, 11, and 18.

CONCLUSION

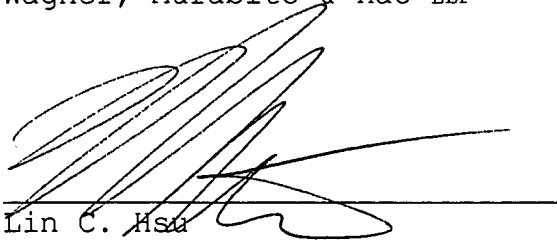
In light of the facts and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-24 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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